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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 FIRS HOME OWNERS ASSOCIATION,

9 Plaintiff,

10 v.

11 CITY OF SEATAC,

12 Defendant.  
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NO. C19-1130RSL

ORDER DENYING MOTION TO  
RENOTE CHALLENGE TO  
AFFIRMATIVE DEFENSES


15 This matter comes before the Court on “Defendant’s Motion to Move Hearing Date on  
16 Plaintiff’s Motion to Strike Affirmative Defenses.” Dkt. # 44. Defendant filed a motion to  
17 dismiss on October 31, 2019, and argues that it would be more efficient if plaintiff’s later-filed  
18 motion to strike were considered after the motion to dismiss is resolved. Plaintiff refused to  
19 renote its motion.

20 While the Court has discretion to renote pending motions under LCR 7(l), it declines to  
21 do so here. Defendant argues that, if its motion to dismiss is successful, there will be no need to  
22 consider the viability of its affirmative defenses, and the Court should therefore refrain from  
23 hearing plaintiff’s motion at this point in the litigation. The same argument could be made  
24 whenever a dispositive motion is filed, however, and yet neither the federal or local rules of civil  
25 procedure provide for an automatic stay/continuance simply because defendant hopes to resolve  
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1 the litigation through motion practice. Defendant also argues that “it makes little sense to  
2 adjudicate [plaintiff’s] motion to strike” because, even if successful, defendant would seek leave  
3 to amend the affirmative defenses. If defendant’s current defenses are defective, they should be  
4 stricken early in the litigation so that discovery efforts are properly directed. The fact that  
5 defendant might move to amend its pleadings does not mean that defective pleadings should  
6 remain unchallenged.  
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9 No special or exceptional circumstances exist that would justify an indefinite stay of  
10 plaintiff’s motion to strike, and the bare hope of dispositive relief should not derail these  
11 proceedings. For all of the foregoing reasons, the request for a stay or continuance (Dkt. # 44) is  
12 DENIED.  
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14 Dated this 4th day of December, 2019.

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17 Robert S. Lasnik  
18 United States District Judge  
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